

IC 25-20.5

ARTICLE 20.5. HYPNOTISTS

IC 25-20.5-1

Chapter 1. Regulation of Hypnotists by the Medical Licensing Board

IC 25-20.5-1-1

Applicability of chapter

Sec. 1. This chapter does not apply to the following:

- (1) A licensed dentist practicing dentistry under IC 25-14.
- (2) A licensed physician practicing medicine under IC 25-22.5.
- (3) A licensed osteopath practicing medicine under IC 25-22.5.
- (4) A licensed psychologist practicing psychology under IC 25-33.
- (5) A certified social worker or clinical social worker practicing social work or clinical social work under IC 25-23.6.
- (6) A registered nurse licensed under IC 25-23.
- (7) A certified marriage and family therapist practicing marriage and family therapy under IC 25-23.6.
- (8) An individual who teaches Lamaze prenatal and delivery relaxation techniques to pregnant women.
- (9) A law enforcement officer who:
 - (A) is trained in hypnotism; and
 - (B) uses hypnosis only for law enforcement purposes.
- (10) A licensed chiropractor practicing the science of chiropractic under IC 25-10.
- (11) An individual who performs hypnotism exclusively for entertainment or amusement purposes at a theater, night club, or other place that offers entertainment to the public for consideration or promotional purposes.

As added by P.L.175-1997, SEC.7. Amended by P.L.14-2002, SEC.3.

IC 25-20.5-1-2

"Board" defined

Sec. 2. As used in this chapter, "board" refers to the medical licensing board (IC 25-22.5).

As added by P.L.175-1997, SEC.7.

IC 25-20.5-1-3

"Committee" defined

Sec. 3. As used in this chapter, "committee" refers to the Indiana hypnotist committee established by section 7 of this chapter.

As added by P.L.175-1997, SEC.7.

IC 25-20.5-1-4

"Hypnotism" defined

Sec. 4. As used in this chapter, "hypnotism" means a temporary condition of altered or intensified attention induced in an individual by a person who professes to be a hypnotist, in which the condition

is characterized by a variety of phenomena that appear spontaneously or in response to verbal or other stimuli, including the following phenomena:

- (1) Alterations in consciousness and memory.
- (2) Increased suggestibility.
- (3) The production of responses and ideas unfamiliar to the individual in the individual's usual state of mind.

The term includes neurolinguistic programming, transformational imagery, guided imagery, and visualization.

As added by P.L.175-1997, SEC.7. Amended by P.L.75-2000, SEC.1.

IC 25-20.5-1-5

"Hypnotist" defined

Sec. 5. As used in this chapter, "hypnotist" means an individual who practices hypnotism, teaches an individual to become a hypnotist, or trains an individual in self-hypnosis.

As added by P.L.175-1997, SEC.7. Amended by P.L.14-2002, SEC.4.

IC 25-20.5-1-6

"Professional hypnosis association" defined

Sec. 6. As used in this chapter, "professional hypnosis association" means an association that:

- (1) is dedicated to providing training, continuing education, and performance testing in hypnosis;
- (2) is incorporated in the United States;
- (3) can document current membership of at least one thousand (1,000) members; and
- (4) does not sanction hypnosis training or education in Indiana that is less than required under this chapter.

As added by P.L.175-1997, SEC.7.

IC 25-20.5-1-7

Hypnotist committee; creation; members; chairman

Sec. 7. (a) There is created a six (6) member Indiana hypnotist committee to assist the board in carrying out this chapter regarding the qualifications and examinations of hypnotists. The committee is comprised of:

- (1) three (3) hypnotists;
- (2) one (1) physician licensed under IC 25-22.5;
- (3) one (1) licensed psychologist who has received a health service provider endorsement under IC 25-33-1-5.1; and
- (4) one (1) individual who is a resident of Indiana and who is not associated with hypnotism in any way, other than as a consumer.

(b) The governor shall make each appointment for a term of three (3) years. Each hypnotist appointed must:

- (1) be a certified hypnotist for at least one (1) year under this chapter;
- (2) have at least five hundred (500) supervised classroom hours of hypnotism education from a school that is approved by the

Indiana commission on proprietary education under IC 20-1-19 or by any other state that has requirements as stringent as required in Indiana;

(3) have at least one (1) year of experience in the actual practice of hypnotism immediately preceding appointment; and

(4) be a resident of Indiana and actively engaged in the practice of hypnotism while a member of the committee.

(c) Not more than three (3) members of the committee may be from the same political party. A member of the committee is not required to be a member of a professional hypnosis association. However, no two (2) hypnotist members appointed to the committee may belong to the same professional hypnosis association.

(d) A member of the committee may be removed for cause by the governor.

(e) The board shall appoint a chairman from among the members of the committee.

As added by P.L.175-1997, SEC.7. Amended by P.L.75-2000, SEC.2; P.L.14-2002, SEC.5.

IC 25-20.5-1-8

Hypnotist committee; quorum

Sec. 8. (a) Four (4) members of the committee constitute a quorum.

(b) An affirmative vote of a majority of members of the committee is required for the committee to take official action.

As added by P.L.175-1997, SEC.7.

IC 25-20.5-1-9

Hypnotist committee; powers and duties

Sec. 9. (a) The committee shall:

(1) judge the qualifications of hypnotists who apply for certification;

(2) provide all examinations either directly or by delegation under subsection (c);

(3) determine the applicants who successfully pass examinations;

(4) certify qualified applicants; and

(5) propose rules concerning the competent practice of hypnotism to the board.

(b) The board shall adopt rules under IC 4-22-2, after considering the committee's proposed rules, establishing:

(1) standards for the competent and ethical practice of hypnotism; and

(2) fees and renewal fees for certification.

(c) The committee may approve and use the services of a testing company or an agent to prepare, conduct, and score examinations.

As added by P.L.175-1997, SEC.7.

IC 25-20.5-1-10

Use of titles or professing to be hypnotist without certificate

prohibited

Sec. 10. (a) An individual may not:

- (1) profess to be a hypnotist or hypnotherapist;
- (2) use the title "hypnotist" or "hypnotherapist"; or
- (3) use the prefix "hypno" with any word or use initials, words, letters, abbreviations, or insignia indicating or implying that the individual is a hypnotist certified under this chapter;

unless the individual is certified under this chapter.

(b) An individual who violates this section commits a Class B misdemeanor.

As added by P.L.175-1997, SEC.7.

IC 25-20.5-1-11

Application for certificate

Sec. 11. (a) An individual who applies for a certificate as a hypnotist must do the following:

- (1) Present satisfactory evidence to the committee that the individual:

- (A) does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently;
- (B) has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a hypnotist without endangering the public; and

- (C) has at least five hundred (500) classroom hours of hypnotism education from an Indiana school or program of hypnotism that is approved by the Indiana commission on proprietary education (referred to as "the commission" in this clause) under IC 20-1-19 or from any other state approved school or program that is found by the commission to have requirements as stringent as necessary for the commission's approval of an Indiana school or program of hypnotism. A classroom hour may not be less than a fifty (50) minute period of instruction with both the instructor and student in attendance. Classroom instruction does not include video tape correspondence courses or other forms of electronic presentation.

- (2) Pay the fee established by the board.

(b) An individual may not enroll in a school or program of hypnotism to satisfy the requirement under subsection (a)(1)(C) unless the individual:

- (1) is at least eighteen (18) years of age; and
- (2) has graduated from high school or received a:
 - (A) high school equivalency certificate; or
 - (B) state of Indiana general education development (GED) diploma under IC 20-10.1-12.1.

As added by P.L.175-1997, SEC.7. Amended by P.L.253-1997(ss), SEC.23; P.L.75-2000, SEC.3; P.L.14-2002, SEC.6.

IC 25-20.5-1-12 Repealed

(Repealed by P.L.14-2002, SEC.10.)

IC 25-20.5-1-13

Repealed

(Repealed by P.L.14-2002, SEC.10.)

IC 25-20.5-1-14

Examinations; requirements

Sec. 14. An individual who satisfies the requirements of section 11 of this chapter may take the examination provided by the committee.

As added by P.L.175-1997, SEC.7.

IC 25-20.5-1-15

Examinations; time and place; terms

Sec. 15. (a) The committee shall provide for examinations to be given at least two (2) times a year at times and places established by the committee.

(b) The committee shall provide for examinations that test an individual's knowledge of the basic and clinical sciences as the sciences relate to hypnotism, hypnotism theory and procedures, ethics, and other subjects the committee considers useful to test an individual's fitness to practice as a hypnotist.

(c) A qualified applicant who fails an examination and is refused a certificate may take the next scheduled examination upon payment of an additional fee determined by the board.

As added by P.L.175-1997, SEC.7.

IC 25-20.5-1-16

Certificate; issuance

Sec. 16. The committee shall issue a certificate to an individual who:

- (1) pays a fee;
- (2) achieves a passing score, as determined by the committee, on the examination provided under section 15 of this chapter;
- (3) has at least:
 - (A) graduated from high school;
 - (B) a high school equivalency certificate; or
 - (C) a state of Indiana general education developmental (GED) diploma under IC 20-10.1-12.1; and
- (4) is otherwise qualified under this chapter.

As added by P.L.175-1997, SEC.7.

IC 25-20.5-1-17

Certificate; refusal to issue

Sec. 17. The committee may refuse to issue a certificate to an individual if:

- (1) the individual has been disciplined by an administrative agency in another jurisdiction; and

(2) the committee determines that the violation for which the individual was disciplined has a direct bearing on the individual's ability to practice as a hypnotist.

As added by P.L.175-1997, SEC.7.

IC 25-20.5-1-18

Certificate; expiration; renewal

Sec. 18. (a) A certificate issued by the committee expires on a date established by the health professions bureau under IC 25-1-5-4 in the next even-numbered year following the year in which the certificate was issued.

(b) An individual may renew a certificate by paying a renewal fee on or before the expiration date of the certificate.

(c) If an individual fails to pay a renewal fee on or before the expiration date of a certificate, the certificate becomes invalid.

As added by P.L.175-1997, SEC.7.

IC 25-20.5-1-19

Retirement from practice

Sec. 19. (a) An individual who is certified under this chapter shall notify the committee in writing when the individual retires from practice.

(b) Upon receipt of the notice, the committee shall do the following:

(1) Record the fact that the individual is retired.

(2) Release the individual from further payment of renewal fees.

As added by P.L.175-1997, SEC.7.

IC 25-20.5-1-20

Certificate; surrender; reinstatement

Sec. 20. (a) If an individual surrenders a certificate to the committee, the committee may reinstate the certificate upon written request by the individual.

(b) If the committee reinstates a certificate, the committee may impose conditions on the certificate appropriate to the reinstatement.

(c) An individual may not surrender a certificate without written approval by the committee if a disciplinary proceeding under this chapter is pending against the individual.

As added by P.L.175-1997, SEC.7.

IC 25-20.5-1-21

Educational training in foreign countries

Sec. 21. The committee may issue a certificate to an individual who has graduated as a hypnotist from an educational program in a foreign country if the individual meets the following conditions:

(1) Has graduated from an educational program approved by the committee.

(2) Does not have a conviction for any of the following:

(A) An act that would constitute a ground for a disciplinary sanction under IC 25-1-9.

- (B) A crime that has a direct bearing on the individual's ability to practice competently.
- (3) Has not been the subject of a disciplinary action initiated by a licensing agency of another state or jurisdiction on the ground that the individual was not able to practice as a hypnotist without endangering the public.
- (4) Passes the examination required under this chapter.
- (5) Pays a fee.

As added by P.L.175-1997, SEC.7.

IC 25-20.5-1-22

Disclosure of educational background

Sec. 22. (a) Before providing hypnotism services, a certified hypnotist shall disclose in writing to the individual to whom hypnotism services are provided the hypnotist's educational background in the field of hypnotism, including the following:

- (1) Whether the hypnotist has a degree in hypnotism or a related field.
- (2) The type of degree issued, the qualifications for the degree, and the institution that issued the degree.

(b) An individual who:

- (1) violates subsection (a); or
- (2) provides false information or documents under this section; commits a Class A infraction.

As added by P.L.175-1997, SEC.7.

IC 25-20.5-1-23

Referrals for medical, dental, or psychological problems from licensed professionals required

Sec. 23. (a) Except as provided in section 1 of this chapter, an individual who is certified under this article may not treat or perform a procedure on an individual for a medical, dental, or psychological problem without a referral from a licensed physician, psychologist, or dentist. Medical, dental, or psychological problems include:

- (1) mental illnesses, including depression and phobias;
- (2) addictions, including gambling;
- (3) sexual disorders, including impotence and sexual aversion;
- (4) preparation for a medical or dental procedure;
- (5) pain and physical complaints, including headaches and nausea; and
- (6) eating disorders, personality disorders, kleptomania, sleepwalking, and bedwetting.

The board may adopt rules under IC 4-22-2 to list specific medical, psychological, and dental problems that are included under this subsection.

(b) A referral is not required under this section to treat or perform a procedure on a person who desires to quit smoking or to lose weight.

(c) An individual who violates this section commits a Class A misdemeanor.

As added by P.L.175-1997, SEC.7.

IC 25-20.5-1-24

Prohibited practices

Sec. 24. A hypnotist may not use, advocate, teach, or condone demoniac rituals or acts, including spirit or demon deposal, while engaged in the practice of hypnotism or advertising hypnotism services.

As added by P.L.75-2000, SEC.4. Amended by P.L.14-2002, SEC.7.

IC 25-20.5-1-25

Certification required

Sec. 25. (a) An individual may not practice hypnotism unless the individual is certified under this chapter.

(b) An individual who knowingly violates this section commits a Class A misdemeanor.

As added by P.L.14-2002, SEC.8.

IC 25-20.5-1-26

Violations

Sec. 26. (a) If an individual violates this chapter, the attorney general, the committee, or the prosecuting attorney of the county in which an individual violates this chapter may maintain an action in the name of the state to enjoin the individual from continuing in violation of this chapter.

(b) An individual who is enjoined and who violates the injunction shall be punished for contempt of court.

(c) An injunction issued under this section does not relieve an individual person from criminal prosecution but is in addition to any remedy provided under criminal law.

As added by P.L.14-2002, SEC.9.